

SENATE BILL 680

K4

2lr0091

By: **Chair, Finance Committee (By Request – Departmental – Budget and Management)**

Introduced and read first time: February 3, 2012

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel Management System – Criminal History Records Check**

3 FOR the purpose of authorizing certain appointing authorities in the State Personnel
4 Management System to request from the Criminal Justice Information System
5 Central Repository State and national criminal history records checks for
6 certain prospective and current employees; establishing certain procedures to
7 apply for a criminal history records check; requiring the Central Repository to
8 forward criminal history record information to the current or prospective
9 employee under certain circumstances; providing that certain information is
10 confidential and may be used only for certain purposes; authorizing a person
11 who is the subject of a criminal history records check under this Act to contest
12 certain information in the record; authorizing the Secretary of Budget and
13 Management to adopt certain regulations, guidelines, and policies to implement
14 this Act; defining a certain term; and generally relating to State and national
15 criminal history records checks for certain prospective and current employees in
16 the State Personnel Management System.

17 BY adding to

18 Article – State Personnel and Pensions

19 Section 7–103

20 Annotated Code of Maryland

21 (2009 Replacement Volume and 2011 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – State Personnel and Pensions**

25 **7–103.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) IN THIS SECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL**
2 **JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT**
3 **OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**

4 **(B) (1) AN APPOINTING AUTHORITY MAY REQUEST A STATE AND**
5 **NATIONAL CRIMINAL HISTORY RECORDS CHECK FROM THE CENTRAL**
6 **REPOSITORY FOR:**

7 **(I) A PERSON WHO IS SELECTED FOR A POSITION IN THE**
8 **STATE PERSONNEL MANAGEMENT SYSTEM; OR**

9 **(II) A CURRENT EMPLOYEE WHO IS ELIGIBLE AND IS BEING**
10 **RECOMMENDED FOR TRANSFER, PROMOTION, OR REASSIGNMENT TO A**
11 **POSITION IN THE STATE PERSONNEL MANAGEMENT SYSTEM.**

12 **(2) THE APPOINTING AUTHORITY SHALL APPLY TO THE CENTRAL**
13 **REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK**
14 **FOR EACH PROSPECTIVE OR CURRENT EMPLOYEE FOR WHOM A RECORDS**
15 **CHECK IS SOUGHT UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

16 **(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY**
17 **RECORDS CHECK, THE APPOINTING AUTHORITY SHALL SUBMIT TO THE**
18 **CENTRAL REPOSITORY:**

19 **(I) TWO COMPLETE SETS OF THE PROSPECTIVE OR**
20 **CURRENT EMPLOYEE'S LEGIBLE FINGERPRINTS TAKEN IN A FORMAT APPROVED**
21 **BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE**
22 **FEDERAL BUREAU OF INVESTIGATION;**

23 **(II) THE FEE AUTHORIZED UNDER § 10-221(B)(7) OF THE**
24 **CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO CRIMINAL HISTORY RECORD**
25 **INFORMATION; AND**

26 **(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE**
27 **FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY**
28 **RECORDS CHECK.**

29 **(4) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE**
30 **CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD**
31 **TO THE PROSPECTIVE OR CURRENT EMPLOYEE AND THE APPOINTING**
32 **AUTHORITY THE PROSPECTIVE OR CURRENT EMPLOYEE'S CRIMINAL HISTORY**
33 **RECORD INFORMATION.**

1 **(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY**
2 **UNDER THIS SUBSECTION:**

3 **(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;**
4 **AND**

5 **(II) MAY BE USED ONLY FOR EMPLOYMENT PURPOSES**
6 **AUTHORIZED UNDER DIVISION I OF THIS ARTICLE.**

7 **(C) A PERSON WHO IS THE SUBJECT OF A CRIMINAL HISTORY RECORDS**
8 **CHECK UNDER THIS SECTION MAY CONTEST THE CONTENTS OF THE PRINTED**
9 **STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10-223**
10 **OF THE CRIMINAL PROCEDURE ARTICLE.**

11 **(D) THE SECRETARY MAY ADOPT REGULATIONS, GUIDELINES, AND**
12 **POLICIES TO CARRY OUT THIS SECTION.**

13 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
14 **July 1, 2012.**